

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 17, 1977

7:00 P.M.

Council Chambers
301 West Second Street

The meeting was called to order with Mayor Pro Tem Himmelblau presiding.

Roll Call:

Present: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino

Absent: Mayor McClellan, Councilmember Cooke

The Invocation was delivered by Dr. Gerald Mann, minister of the University Baptist Church.

KEY TO THE CITY

MS. FRANCIE BREYFOGLE, who was introduced by Councilmember Trevino, presented Miss Patricia Campbell to the Council. Miss Campbell is a foreign exchange student from Belfast, Ireland, who is attending Lanier High School this year. Councilmember Trevino told Miss Campbell that the entire City Council wanted to make her an honorary citizen of Austin and presented her a certificate awarding her citizenship, as well as a key to the City. Miss Campbell accepted the certificate and key and said she was extremely proud to be so honored.

ALL CITY YOUTH ORCHESTRA

The City Council of Austin adopted a resolution commending the All City Youth Orchestra for its efforts to instill in young people an appreciation of classical music. The resolution was read by Mayor Pro Tem Himmelblau, and presented to William Dick, Director of A.I.S.D. All City Youth Orchestra, who thanked the Council.

AUSTIN RECREATION CENTER THEATRE DANCE COMPANY

Mayor Pro Tem Himmelblau read a resolution, adopted by the Austin City Council, congratulating the Austin Recreation Center Theatre Dance Company on the honors it has received while representing the City of Austin. MS. PAM WILSON, Director of the Austin Recreation Center Theatre Dance Company, accepted the resolution on behalf of the dance company, with their appreciation.

FAMILY DAY

November 19, 1977, has been proclaimed Family Day in Austin and all citizens are urged to recognize the importance of the family unit and to work to strengthen the ties within their own families. Mayor Pro Tem Himmelblau read the proclamation and presented it to Ms. Mary Ann Holman.

APPROVAL OF MINUTES

Councilmember Trevino moved that the Council approve the Minutes for November 10, 1977 and Special Meetings of November 3, 1977 and November 4, 1977. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

POST-GAME CELEBRATIONS

MS. LYNN GOODMAN-STRAUSS, who had requested to appear before Council to thank the Mayor, Councilmembers and the Austin Police Department for their successful efforts to quell November 5, 1977, disturbances on Guadalupe Street and comment on post-game celebrations of Saturday, November 12, 1977, asked that she be allowed to hold her remarks until after Mr. Dan Dabney appears before Council.

MR. DAN DABNEY, who had requested to appear before Council to (1) express opinion on change in Ethics Code and allow gift trips for Mayor and Councilmembers and (2) express opinion on the handling of students celebrating UT football victories on the Drag, sent word that he would not appear tonight, but may appear at the December 1 meeting.

PROPERTY CONCERN - FENCES

MRS. HAZEL NIXON requested to appear before Council concerning her property. Mrs. Watts appeared for Mrs. Nixon and said she also is one of the property owners concerned in this matter. She said they have been granted pieces of land which are vacated alleys. She said they pay taxes on these pieces of land but are not able to put up fences because the third neighbor in the block wants to go across the land so he is fighting with Mrs. Nixon concerning her right to put up a fence. Mrs. Watts wants to know why they cannot put

up fences. Mayor Pro Tem Himmelblau told Mrs. Watts that staff will be asked to look into the matter. Mr. Homer Reed, Deputy City Manager, asked Mr. German, Director of Public Works, to take Mrs. Watts' name and address so she can be contacted regarding her concern.

FEDERAL WORK FUNDS

MR. LUCIUS MOORE, JR., appeared before Council to request the date for construction to begin on the reopening of Webberville Road at the intersection of Webberville and Northwestern and to request information on Federal Work Funds.

Mr. Reed told Mr. Moore that this project is scheduled to go into construction in April of 1978. He said the City still has two pieces of property to buy for the right-of-way and has to follow the federal property acquisition procedures, which is a rather time consuming process, and obtain a permit from the railroad, which they have applied for and have not yet received. Mr. Moore asked how the road would be designed. Councilmember Trevino showed him by drawing a sketch. Mr. Reed asked him to contact Mr. German, Director of Public Works, or Mr. Graves, Director of Engineering, and they would be happy to show him the plans for the project.

Mr. Moore asked how much money would be allotted through the Federal Work Funds and what kind of jobs would be available. Mr. Reed asked if he was talking about the Manpower Programs, CETA, Revenue Sharing Funds, or Community Development Funds. Mr. Moore said the President of the United States has signed a \$4,000,000,000 public works bill, and he wondered if Austin will have money from the fund. Mr. Reed said, Yes, and that the funds have primarily been used for sidewalk construction. He said Mr. Graves could give him a report on that. Mr. Moore wondered when the sidewalks were constructed, and Mr. Reed told him they are presently under construction. Mr. Moore said he has been trying to find out about this for a long time and did not think the money was meant for that type of work. He asked if those funds weren't supposed to be for the unemployed. Mr. Reed said, yes, that is how they are being used. Mr. Moore said the money is being used for City employees. Mayor Pro Tem Himmelblau said, "No, sir, the money is being used correctly, and if you want further explanation, we can take care of that, too." Mr. Reed told Mr. Moore that Mr. Graves would give him all the information he was asking for. Councilmember Snell told him to visit his office if he did not receive the information he wanted.

TENTATIVE APPROVAL OF A PARADE PERMIT

LINDA ANTHONY, Austin American-Statesman, appeared before Council to request tentative approval of a parade permit that will be filed within 60 days of the March 12, 1978, road race that they are proposing. She said the reason they are asking for the tentative permit now is so that they can start their publicity as they have certain deadlines in December, which they cannot meet if they follow routine procedures. The streets they are asking to be blocked are Congress Avenue and West 1st to the Seaholm Power Plant where they pick up the Hike and Bike Trail and will finish the race on the trail. She said they anticipate the slowest runner will be off City streets within 20 minutes.

Councilmember Trevino moved that the Council approve the request for a tentative approval of a parade permit for March 12, 1978. The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

"CUT-A-THON"

MRS. JILL GARRETT appeared before Council to inform the Council of a "Cut-A-Thon" with proceeds going to United Cerebral Palsy. Mrs. Garrett, one of the owners of Fantastic Sam's, an Austin business, stated one of the concepts of their business is to get involved in the community. They have become interested in the work being done for cerebral palsy, so on Sunday, December 4, 1977, from 2:00 p.m. to 5:00 p.m., they are going to host a cut-a-thon at their location at 2616 South Lamar. Customers who patronize the shop during the special opening will help the United Cerebral Palsy Max Gochman Center. All proceeds will go to the center. Ms. Garrett said she was attending the meeting to ask the Mayor and members of the Council to participate in the cut-a-thon with their support.

PARAMOUNT THEATRE EMERGENCY ITEM

MR. JOHN BERNARDONI appeared before the Council to discuss the present contract between the Paramount Theatre and the City of Austin. Mr. Bernardoni said he had been instructed to read a letter from the Board of Directors of the Paramount Theatre, written to the Council:

"Dear Mayor McClellan and members of the Council:

As you know, through your efforts and generosity the Paramount Theatre's backstage construction and renovation are underway. Although only one-fourth of the project has been completed, due to the various delays, the theatre has met the November 16th deadline for renovation as handed down by the Actor's Equity Association. And the members of the recent national touring company, The Robber's Bridegroom, were indeed gracious concerning the facilities backstage. The Paramount has received its first bill from the Turner-Pilkinton Construction Co., Inc. which is roughly \$10,000.00 and must disburse this Tuesday, November 22, 1977.

"We have been negotiating the contract with the city and have come upon a problem with one of the Articles. In particular, Article V, which binds the American Bank as Trustee to an agreement which states that if for any period of 90 days the Paramount Theatre should cease to operate as a performing arts center, the title owned by the M.H. Reed Estate, Number 1, would become property of the City of Austin. Under our original offer to the city, Mrs. Crenshaw offered to give her half of the property to the City in the event the building should cease operating as a performing arts center. The building, however, is owned by the trust department of the American Bank and Mrs. Crenshaw is the beneficiary of the Reed Estate, Number 1. Because of the legal complexities involved with bank examiners, the trust department, and numerous

attorneys representing the various interests, it becomes impossible to complete this contract with Article V remaining intact. Article VI, however, is identical to Article V with one difference, that it reads as though the Paramount Theatre of the Performing Arts, Inc., holds title. It is the general consensus from all parties that the Paramount Theatre will in fact be donated, en total, by Christmas of this year.

"The Paramount Theatre Board of Directors will be happy to have an Article placed in the contract as a substitution for Article V, whereby the 30-year lease will be assigned to the City of Austin in the event the theatre should cease to operate as a performing arts center for a period of 90 days. Therefore, the Board of Directors of the Paramount Theatre for the Performing Arts has instructed Mr. John Bernardoni to make the above offer concerning changes in the contract, and further directs him by board resolution to sign the contract, thereby enabling the city to disburse the \$120,000.00 previously granted by the City of Austin. It is hoped that we will not need to take your valuable time again concerning this matter, and on behalf of the board and staff of the Paramount, we would like to thank you for your patience and cooperation. /signed/ Leslie Gage, Chairman."

Mr. Bernardoni, at this point, asked Mr. C. N. Avery, Austin attorney, to further expound on the legal complexities as to why they have reached this point.

MR. CHARLES N. AVERY, JR., appeared at the request of the Paramount Theatre and stated: "Your Honor, and members of the Council, I don't want to trespass on your time unnecessarily, but I would say the representation that has been made to you is true and factual, and that the problem is one of procedure. I've heard no opposition from any members of the beneficiaries of the several trusts that are involved. But there are complexities, and we've had almost as many meetings as the City Council. We had one late this afternoon and I feel certain that as far as the legal problems are concerned that they will be resolved within the next few days. So I would say in all good faith that the representation that has been made by Mr. Bernardoni may be relied upon."

Mr. Jerry Harris, City Attorney, said he wanted to make a couple of comments and ask for clarification. "We, from the legal standpoint, fully understand the problem that has arisen on Paragraph V, whereby the ladies who were earlier represented to have title, that they could obligate to be conveyed away do not have that, so we can go along with the City Council, if paragraph V cannot be implemented and if it's the desire of the Council, of course, it can be removed. Of course, he continued, that would leave the only paragraph in the contract to say that if in the event the Paramount Theatre gets title and the Paramount Theatre ceases to operate for a period of 90 days within the next ten years, they would obligate to convey their title to the City of Austin. Mr. Harris said the point on which he needed clarification, is that Mr. Bernardoni is now saying that paragraph is not acceptable to the Paramount Theatre any longer and instead of offering to convey whatever title they might have in the event the discontinuance of operation occurs, that now they are only offering, if that discontinuance occurs, to enter into some sort of 30-year lease with the City of Austin.

Mr. Bernardoni said that was something they had decided to submit to the City in addition to replacing Article V. Article VI will remain in the contract and that is the Article that says if the Paramount Theatre Corporation becomes a title owner of the building, that they will in fact, after a period of 90 days, if the building should cease to function as a performing arts center, invest that title with the city. The subrogation of lease is an additional clause that can be placed in the contract in lieu of Article V being dropped. Mr. Harris asked him to repeat the terms of the lease provision. Mr. Bernardoni said, "In the event the Paramount Theatre should cease to function as a performing arts center for 90 days, the Paramount Theatre for the Performing Arts, Inc., would assign or subrogate the 30-year lease to the City of Austin." "At least this way," said Mr. Bernardoni, "you will have control. It's really immaterial, because by Christmas it's all going to be hind-sight anyway, but it's something that arose and it is somewhat complex, as you have been able to gather. If we can drop Article V, we can sign the contract and get out of your hair." Mr. Harris said, "Drop Article V, leave Article VI basically as it is and the lease provision is the new Article V." Mr. Bernardoni answered that is correct.

Councilmember Mullen asked what date the construction will be finished and Mr. Barnardoni said, "hopefully by Christmas. They have been tearing up the basement for about four weeks and excavating. They just finished pouring the slabs, and putting in water pipe. We sent a letter to the Council about three weeks ago stating that we had originally thought the lower facade and first lobby would be a part of this project, it's not going to be. The entire amount will go backstage. It's a very involved situation back there and we have run into different things that, from a construction standpoint, have run the cost up. The basement area should be finished by the middle of December and then the stage area will be finished by Christmas." Councilmember Mullen asked when the disbursement of the Paramount's bills would take place. Mr. Bernardoni told him the bills are due the contractor five days after submission. The first one for \$10,000 is due next Tuesday. He said they would probably get another one the first week of December, due the second week. Councilmember Mullen asked when the final disbursement will be made. Mr. Bernardoni said the bills come in different increments, but he thought the clause reads that one can wait 30 days after submission of the last bill to make certain the contractor has honored all of his obligations and then you can pay. Councilmember Mullen asked if Mr. Bernardoni had any idea how much money would be in the last bill. "God knows," answered Mr. Bernardoni, "I have no idea how he is going to structure that bill." Councilmember Mullen said what he is asking is if it is possible for the Council to go ahead with this, and then, in the contract, withhold the last payment, until we get that switch-over. In other words, he said, when final disbursement is made, the estate situation will be settled and we can go ahead and switch-off on getting it finalized. Councilmember Goodman commented that since this is almost a purely legal consideration, he wanted to ask the City Attorney what should be done.

Councilmember Mullen stated, "What I was saying, was the possibility of disbursing all of the funds except the last payment. And they say by Christmas they will be cleared up as far as the estate is concerned and shortly after Christmas, within 30 days, then they should be able to assign over their portion as they say they will and we can disburse final funds then. Are there any problems with that?"

Mr. Harris stated, "The only problem with it is, they would never really make any conveyance or assignment of any interest they have in the property unless at some period in the next ten years for 90 continuous days the Paramount Theatre ceases to operate. So, I really don't see that as a problem. They can still sign the current provision in the contract which says, if they do give title, and he (Mr. Bernardoni) is saying that they might, and this continuance occurs, then they will give title." Mr. Bernardoni said, "That is correct." "What I am saying," interjected Councilmember Mullen, "is that they may never get title and then we wouldn't want to disburse the final funds." "In the contract, as originally drawn up," continued Mr. Harris, "there was no requirement that they ever get title." "Yes, but there are requirements that we are changing now..if you start changing the contract around, we try and make sure we are protected as far as the City is concerned," stated Councilmember Mullen. Mr. Harris said, "I will say that the only provision that originated from the City is Paragraph VI which said if they ever get title they will convey to us in case the operation discontinues. As a matter of fact, the provision about someone owning the current title that they could obligate themselves to do right now came to Mr. Bernardoni and that couldn't come about because of some very complex legal complications," said Mr. Harris. "So, I think the City was originally willing to go with this Paragraph VI, but when we were offered the very enticing Paragraph V, I think we should have taken advantage of it, but it didn't work out." "It is working out in a sense," answered Mr. Bernardoni, "but like I said before, you can't put everything in life and reduce it to a contract, some things have to be taken in good faith. And I think most of you are aware that the Board of Directors of the Theatre have their hearts in the right place."

Councilmember Goodman asked what the City Attorney's recommendation is concerning the clause under discussion. Mr. Harris answered, "We see the removal of Paragraph V is not a very substantial removal, so if the Council cares to remove Paragraph V and substitute for that Paragraph V a Paragraph V that says, in the event the discontinuance occurs, the Paramount Theatre will also subrogate their lease to the City of Austin and leave the current Paragraph VI the same, which says that in the event Paramount Theatre does get title and this discontinuance occurs, the Paramount Theatre contracts with us that they will convey to us whatever interest they have, whether it's 50% interest or 100% interest. We have no objection from a legal standpoint to proceeding on that basis."

Motion

Councilmember Mullen moved that the Council remove Paragraph V from the contract between the Paramount Theatre and the City of Austin; substitute for that a rewritten Paragraph V that says, in the event that the Paramount Theatre ceases to function as a theatre for performing arts for 90 days, the Paramount Theatre will also subrogate their lease to the City of Austin; and Paragraph VI which says that in the event the Paramount Theatre does get title and this

discontinuance occurs, the Paramount Theatre contracts with us that they will convey to us whatever interest they have, will remain the same. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

GOLF CAPITAL IMPROVEMENTS PROGRAM

The Council had before it the Parks and Recreation Board report, recommending an amendment to the Golf Capital Improvements Program, elimination of the Golf Enterprise Fund, and elimination of the Golf Surcharge.

MR. BARRETT GARRISON, member of the Parks and Recreation Board, presented the following report:

"On October 11, 1977, the Golf Advisory Board made the following recommendations regarding Phase II of the Lion's Municipal Golf Course Renovation and the Golf Enterprise Fund:

1. The Surcharge Fund should be eliminated.
2. The green fees should be reduced in the amount of the surcharge.
3. The Golf Division should be removed from the Enterprise Fund.
4. The current balance of the Surcharge Fund should be spent on all golf courses (assuming the Enterprise Fund and Surcharge Fund are eliminated.)
5. A maximum of \$100,000 from the Surcharge Fund should be spent on Phase II of the Lion's Municipal Renovation project.

These recommendations were made as a result of concerns expressed by Golf Advisory Board members in regard to the expenditure of a major portion of surcharge funds on a golf course which could be reclaimed by the University of Texas in 1987. It was also the feeling of the Golf Advisory Board that the Enterprise Fund was not functioning as planned and should be eliminated.

These recommendations were forwarded to the Parks and Recreation Board for consideration at the November 1, 1977, meeting. Prior to acting on the recommendations of the Golf Advisory Board the Parks and Recreation Board toured Lion's Municipal Golf Course on October 31, 1977, to observe the results of the Phase I improvements and gather more information concerning the proposed improvements scheduled in Phase II.

After considerable discussion with members of the Golf Advisory Board and staff, the Parks and Recreation Board made the following recommendations:

It was moved by Mrs. Thornhill and seconded by Mr. Ramirez that the Parks and Recreation Board recommend to the City Council that the Golf Division be taken out of the Golf Enterprise Fund and placed in the General Fund Account; that all available surcharge funds be spent for projected Capital Improvements Program expenditures identified in prior fiscal years and Fiscal Year 1977-1978 as follows: \$200,000 for Lion's Municipal Golf Course Renovation of 7 holes only, \$22,000 for cart paths and restrooms at Morris Williams Golf Course, \$22,000 for cart paths and restrooms at Jimmy Clay Golf Course, \$2,000 for a vent at Jimmy Clay Golf Course concession area and if sufficient funds are available that pavilions be constructed at Jimmy Clay and Morris Williams Golf Courses. It was further recommended that the golf green fees be reduced by the amount of the surcharge and the surcharge be eliminated; and that all future Capital Improvements for golf facilities be funded from general obligation bonds. The motion carried unanimously."

Councilmember Snell asked if the Board had looked at the air conditioning at Morris Williams Golf Course. Mr. Garrison said they had not. Mr. Jack Robinson, Director, Parks and Recreation Department, said they are aware of the air conditioning needs at Morris Williams. At the present time they are renovating Mayfield and there is an air conditioner there they feel they may be able to transfer to the golf course. If not, they will be putting additional air conditioning in Morris Williams. Mayor Pro Tem Himmelblau asked for a staff report on the board's proposals.

Mr. Daron Butler, Research and Budget Director, said his department sent a memo to the Council on November 15, 1977, stating the staff has proposed that they disagree with the proposal to do away with the surcharge and to lower the golf fee by that amount. As far as eliminating the golf fund, the staff thinks that is appropriate if it is funded as a general fund activity. He said they will always be able to write a profit/loss statement on golf whether it's created as a fund or not. They think that Council policy of golf should be pay-as-you-go, as closely as possible. The current budget anticipates using \$258,918 to support golf above that which it will make with its own revenues. He said that is close to 1 cent on the current tax rate. If the surcharge were continued and used for operating purposes, the general fund transfer could be lowered by \$75,000. If the surcharge is eliminated altogether, there is in effect no change in the general fund transfer..it would remain at \$258,918 figure. In consideration of eliminating the surcharge, he thinks the Council would want to consider the possibility of successfully including golf course improvement in future general obligation bond proposals submitted to the voter. From the figures that they have, he said, golf has perhaps peaked as primary source of recreation for the community. In that light, he said, if the Council weighs golf course improvements against park land acquisition, then the decision would likely be not to fund golf course improvements. However, he continued, if the surcharge is continued, the golfers will at least be provided a base from which to begin improvement of their facilities. Mr. Butler said that City of Austin golf courses have no undue competitive advantage over private courses nor courses in the surrounding area. In conclusion, Mr. Butler summarized the staff's position:

1. Do not eliminate the surcharge.
2. The surcharge provides a basis for continued Capital Improvements at the golf courses.
3. It is unlikely the voters would accept these as General Obligation Bond commitments.
4. The price we have for golf does not put us in an undue competitive advantage with the private or other local public courses.
5. If the Council chooses, the elimination of the Enterprise Fund is no problem for the staff, but takes that activity out of a fund status and buries it in the general fund along with tennis, swimming and other types of recreational activity.

Mayor Pro Tem Himmelblau said she would recommend no action be taken tonight, but that this be put on the December 15, 1977, agenda when they will have a full Council.

Mr. Garrison commented that they agree there is a substantial reduction in golf and there isn't any expectation of any large expenditure in Capital Improvements. He said Austin is not competing with private clubs but with comparable clubs on a governmental basis throughout the state.

WILLIAM CROMWELL, Chairman, Golf Advisory Board, said he did not think it was fair to single out golfers to put them on a pay-as-you-go basis. He said the surcharge should be eliminated and the golfers can pay for their improvements with bond money and taxes just like the swimmers, tennis players and other people who get improvements which are paid for with bond money. He said they were just trying to put the golfers on the same recreational level as the other facilities which are competing for Capital Improvements. He said he felt the decrease in golf activity is due to the courses pricing themselves out of the market. Councilmember Mullen asked if Mr. Cromwell has seen the study which has been submitted to the Council which shows how much it costs per hour to run the facilities for each sport. Councilmember Mullen suggested he look at that before they come back to Council, because according to that report, if the golfers pay what they should they may have to pay more than they are paying now.

This item will be brought back on the December 15, 1977, agenda.

RELEASE OF EASEMENTS

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easements:

The Public Utilities Easement and Drainage Easement in Lot 3, Block A, Northwest Hills Section 14-C, (Requested by Mr. Clinton P. Rippey, Registered Public Surveyor, representing the Austin Corporation, owners of Lot 3, Block A.)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Goodman
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Trevino moved that the Council adopt a resolution authorizing release of the following easement:

A portion of a five (5.00) foot Public Utilities Easement out of and a part of the remaining portion of Lot 4, Block 2 Bannister Acres, a subdivision in the City of Austin, Travis County, Texas. (Requested by Mr. David L. Shiflet, Architect for owner, Mr. Bill Sweazea)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Goodman
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Trevino moved that the Council adopt a resolution to authorize ~~release~~ of the following easements:

A Drainage Easement and an Electric Easement fifteen (15.00) feet in width which was retained when Shadow Park Drive was vacated by Ordinance dated November 9, 1972. (Requested by Mr. B. F. Priest, Registered Public Surveyor, representing Growth Development Corporation, owner of Greystone Center).

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Goodman
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Trevino moved that the Council adopt a resolution to authorize release of the following easement, and pass it as an emergency:

The Public Utilities Easement, six (6.00) feet in width and being centered on the common lot line between Lots 5 and 6, Block 1, Bryker Woods "D," a subdivision in the City of Austin, Travis County, Texas, locally known as 3212 Kerbey Lane. (Requested by Mr. E. H. Smartt, Attorney, representing Mrs. Georgia K. Keeble, owner of the south 33' of Lot 6 and the north 37' of Lot 5, Block 1)

The motion, seconded by Councilmember Snell, carried by the following vote:

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Goodman
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

CONTRACTS APPROVED

Councilmember Snell moved that the Council adopt a resolution to approve the following contract:

DALMARK, INC.
P. O. Box 86
Austin, Texas

- CAPITAL IMPROVEMENTS PROGRAM, CENTRAL LIBRARY SERVICE AT GUADALUPE AND WEST EIGHTH STREET - Construction of Electric Ductline at West 8th Street Alley between Guadalupe Street and San Antonio Street - \$23,182.15. CIP 75/30/02

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Snell moved that the Council adopt a resolution to approve the following contract:

JOHNSON WASTE MATERIALS
1600 East 6th Street
Brownsville, Texas

- Wiping Rags for all City Departments
Twelve Month Supply Agreement including option for an additional six months.
Item 1 - \$24,790.00

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Snell moved that the Council adopt a resolution to approve the following contract:

TEXAS MICROFILM, INC.
1708 Austin National Bank Tower
Austin, Texas

- Produce Microfiche from Computer-Produced Magnetic Tape, Various Departments. Twelve Months Service Agreement
Item No. 1.0. Est. Grant Total - \$38,804.00.

The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

CANCELLATION OF WATER SERVICE

Councilmember Snell moved that the Council adopt a resolution to authorize cancellation of a contract for water service to Southwest A service area between J. W. Smith and the City of Austin. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Mullen

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

TEXAS REHABILITATION COMMISSION

Councilmember Snell moved that the Council adopt a resolution to approve an Agreement with the Texas Rehabilitation Commission, authorizing Brackenridge Hospital to provide services to Texas Rehabilitation clients. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Mullen

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

GRANT APPLICATIONS

Councilmember Snell moved that the Council adopt a resolution to authorize the submission of a grant application to the Department of Labor for Title III Youth Employment and Demonstration Program funds in the amount of \$123,941. Grant Application Period January 1, 1978, to September 30, 1978. (No local match required) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Mullen

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

Councilmember Snell moved that the Council adopt a resolution to authorize the submission of a Grant Application to the Department of Labor for Title III Youth Employment and Demonstration Program funds in the amount of \$595,988.00. Grant Application Period January 1, 1978 to September 30, 1978. (No local match required) The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Mullen
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

RELEASE OF EASEMENT

Councilmember Goodman moved that the Council adopt a resolution to release the following Easement:

An Electric and Telephone Easement which was retained when the alleys adjacent to Lots 17 through 32, Mary Ann Wooldridge Subdivision, were vacated by the Council on August 22, 1968, and the release of the Electric Easement out of Lots 24, 25, 26, Mary Ann Wooldridge Subdivision described in an instrument recorded in Volume 3815 at Page 2011, Deed Records, Travis County, Texas. (Requested by Mr. William T. Carlisle)

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Trevino, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

BETTY PHILLIPS, from Save University Neighborhood, said she noted this item on the agenda and saw that it is at the back of her house. She said she is totally ignorant of the proposal and asked that it be explained to her. Mayor Pro Tem Himmelblau said that if staff explains it, Ms. Phillips will find there is no problem with it. Mr. German, Director of Public Works, said the plan is to re-subdivide 11 different lots into one lot. When they do that, there will no longer be a need for that easement. Service could be provided to that one lot on the exterior rather than on the middle as it is now. The owner is requesting it. Ms. Phillips concluded that this is a technical matter and has no implication. Mr. German said this is just an electric and telephone line easement which is set aside to service the property.

CONTRACT APPROVAL

Councilmember Goodman moved that the Council adopt a resolution to approve the following contract:

INTERNATIONAL BUSINESS MACHINES CORPORATION 1609 Shoal Creek Boulevard Austin, Texas	- Lease of central processing units with power switches and switching units. Items 1 and 2, approximately \$23,654.45.
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The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino
Noes: None
Absent: Mayor McClellan, Councilmember Cooke

Councilmember Goodman referred to a memo received concerning the lease of the processing units and said that he wondered why the leasing of these units would be necessary when the Data Systems Department doesn't know if they will be needed in two years. Mr. Hugh Standifer, Director, Data Systems, said that the present computer is overloaded and they need these units for back-up for new programs which have been developed and in the event the present computer is down for repair. It is already in use 24 hours a day and he pointed out the difficulty incurred in getting utility bills out on time, plus the dangers of getting behind if the computer is down only a short time. Mr. Standifer said there was no way of predicting what will be needed in two years. Department demands change. If a smaller system is needed at the end of two years, then that conversion will be made. Mayor Pro Tem Himmelblau pointed out that the proposed units are a budgeted item for this fiscal year. Deputy City Manager Reed said that considerable expansion of the criminal courts system is expected in the next two years. The computer will be used during the expansion and then they will probably need one of their own. Councilmember Goodman was concerned that the Data Systems Department, with the addition of a new unit, might have an over-capacity. Deputy City Manager Reed assured him that would not happen, as the capacity is badly needed. Mr. Standifer said they predicted the safe capacity of 80% would be reached in 10 months with the new unit. Councilmember Goodman wanted to know why the rental time is for 24 months. Mr. Standifer said that was selected because they are uncertain of the computer demands, in the future, by the City. He said they could do without another computer, but he did not know what they would do when it is down because of the constant usage of it by all departments.

CETA TITLE III YOUTH COMMUNITY CONSERVATION AND IMPROVEMENT PROJECTS

The Council had before it for consideration recommendations for funding Subcontractors to operate CETA Title III Youth Community Conservation and Improvements Projects. Councilmember Snell said he thought the goals of funding this money was to reach youth, rather than putting so much money into administrative costs, which totals 10% of the budget allowed. He said he thought if they could award the money to the top two rather than four (Youth Employment Services, SER/Youth Advocacy, Austin Area Urban League and Capital Area Human Services, Inc.) the City would get more out of the money which is being spent. Mr. Andy Ramirez said this money requires review and recommendation by the Youth Advisory Council of the Manpower Area Planning Council. We asked for proposals of projects that could be funded or undertaken for youth activities in the urban and rural area. Councilmember Snell asked if Mr. Ramirez felt with the money being awarded to each group they can do the job that should be done with that amount of money. Mr. Ramirez said the agencies themselves would have to speak to that. Mayor Pro Tem Himmelblau asked if the Council had a deadline to vote on this tonight. Mr. Ramirez said they did and if they did not vote on it, they may lose the money.

Councilmember Snell asked Ms. Linda Moore, Austin Area Urban League, if her organization could do the job that is meant to be done with the \$40,380 they are being awarded under this proposal. Ms. Moore said she feels it will be very difficult to perform the job with that amount of money. She said the amount they had asked for is \$79,934. They have modified their budget proportionately for the \$40,380. As a result there is no money left for the supplies and materials for the youth to work with once they are employed. Primarily what they have are funds for salaries for the participants, and for the supervisor, but nothing for the materials which they need to perform the job. She said the mileage for the money concerning youth employment is what she is concerned with.

Councilmember Snell asked MR. ARTHUR NAVARRO, SER Director, if they could do what they proposed with \$26,920. Mr. Navarro said their original request was for \$53,000. He said they originally intended to serve eight participants for a nine-month period. Now they will be served twice, for four and one half months. After that time they will leave the program, and hopefully go into employment. He said they are also hampered for money for materials and equipment, although they have gained some in-kind contributions from Travis County.

Motion

Councilmember Snell moved that the Council adopt a resolution to fund the following subcontractors to operate CETA Title III Youth Community Conservation and Improvements Projects:

Youth Employment Services	\$20,190
SER	26,920
Austin Area Urban League	40,380
Capital Area Human Services, Inc.	30,260

The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino
Noes: None
Absent: Councilmember Cooke, Mayor McClellan

Mr. Navarro commented that originally the request had been made as SER/Youth Advocacy, and he wanted to know if the Council realized that Youth Advocacy was no longer a part of their request. He was told they did.

CETA TITLE VI PUBLIC SERVICE PROJECTS

The Council had before it for consideration authorization to negotiate contracts with five non-profit agencies to operate CETA Title VI Public Service Projects as follows:

Texas Society for Autistic Citizens	\$42,061
Austin Branch NAACP	89,603
Laguna Gloria Art Museum	29,519
Mary Lee Foundation	36,883
League of United Chicano Artists	48,516

(Recommended by Manpower Training Division Planning Staff and the Manpower Advisory Planning Council.)

Mayor Pro Tem Himmelblau asked Mr. Ramirez, Director of Human Resources, if the Mary Lee Foundation has been cleared as far as proof of non-profit status. "As far as I know, they have," he replied. She said she is having a problem with their inability to help the Capital Area Rehabilitation Center, and she said she believed they had some information for them tonight on some funding. Mr. Ramirez said, "We will have more money available, we've not gotten any additional funding. However, the Department of Labor is now requesting that we take money which we have been awarded and use it on a 12-month period as opposed to an 18-month period. And they are requesting we put on 600 more slots. We are looking at our resources now and trying to make the adjustment. We hope to be back the first week in December with some recommendations for some additional funding, and certainly the Capital Area Rehab could be included in that. I would like to point out to the Council that accompanying the recommendation of those five organizations (Texas Society for Autistic Citizens, Austin Branch NAACP, Laguna Gloria Art Museum, Mary Lee Foundation, League of United Chicano Artists) is a list of all those organizations which were and are eligible for funding. The Council, at its discretion, can fund any one of those projects or any combination of those projects."

Mayor Pro Tem Himmelblau asked MRS. NADEA GIZELBACH, Capital Area Rehabilitation Center, if she wanted to make any comments tonight. Mrs. Gizelbach addressed the Council by saying: "I would like to ask your answer to this..there was nothing wrong with this proposal? I understood you said things were left out last week? This is why the proposal was rejected?" Mr. Ramirez said he was sorry, "that was one of his staff persons who assumed that, and it has been corrected. There was nothing wrong with your program, all the questions had been answered and had been recommended for approval by the Review Committee of MAPC in as much as it had met the minimal score of 24.5. Accompanying the recommendation that the Council has are a list of all of the eligible agencies, City and non-city, that are eligible for funding. We just don't have enough dollars. Our effort is basically trying to spread the money around as much as possible in the areas we've not basically funded previously. It was not a matter of your project not coming up to par, or anything else like that." Mrs. Gizelbach said, "This is what your staff member said and that's why I was deeply concerned because I felt like that was casting a slur and we weren't able to answer that kind of a slur." Mr. Ramirez answered, "I think it was corrected at the Council meeting. I think she pulled back and said it was approved for funding. Again the difference here is that we have something like about 30 agencies that are eligible for funding now and we just don't have enough dollars." Mrs. Gizelbach asked, "You are willing to consider the proposal, and will you tell us what we need to do?" Mr. Ramirez said, "We are going to take a look at all the applications which have been approved to date and try again to pick and choose from those applications and make recommendations to the Council. As to where yours will fall, I really can't tell you at this point. We certainly will advise you once we have made that determination. As I mentioned earlier, it is at the Council's discretion as to what project they fund, once they all meet the 24.5 score level."

Mrs. Gizelbach asked, "You say it got a minimal score, how are we to find out what score we made, why we made it, what the problems were? Because clearly you are discriminating against some agencies for some reason. There is something better about one agency's proposal than another and we'd like to know very much what your criteria are. It's a little difficult to stab in the dark." Mr. Ramirez said he "would be glad to give her their score. The

criteria we were looking for in terms of funding these five agencies were, and these are very subjective:

1. What are the probabilities of future employment.
2. What are the kinds of projects funded in the past and how can we distribute the money among the various kinds of activities and services that
 - a. are needed in the community, and
 - b. that have not been funded in the past that are not an ongoing kind of thing.

Those are the things we look for and it is subjective beyond that initial score. At the point in time we recommended these agencies, we thought that was the last of the dollars. That's changed as of today. I was told by the staff just now that in the package that was submitted, basically the criteria that was used to score your application is attached to your application."

Mrs. Gizelbach said, "I am not talking about the criteria, I know we met that criteria because we intended to. I'm talking about, there must have been some statement..you talked about persons who reviewed the proposal..there had to be a statement about the proposal by the persons you said reviewed it." Mr. Ramirez answered, that was both the staff and the Manpower Area Review Committee. Basically, he said, they reviewed anything that got beyond a 24.5 score and was recommended by them for funding, if the monies were available. The problem is, again, we have more applications that have been approved and reached the minimal score than we have dollars for. Councilmember Mullen asked, "Who makes the decision of who gets what?" Mr. Ramirez answered, "The City Council." Mr. Mullen said, "we don't have the scores..who makes the recommendations?" Mr. Ramirez answered, "The recommendations are made by the Advisory Council," and he repeated the facts stated earlier about the minimum score, etc. "But obviously, your recommendations that come to us are normally the ones that are acceptable," Mr. Mullen said. "Are these your recommendations, or you and somebody else? That's a lot of power coming from somebody that says, we recommend these, because when they get here they are usually accepted and approved. I think everybody ought to feel like they have a fair shot and understand the system," continued Mr. Mullen.

Mrs. Gizelbach said that they still do not know what is wrong and it seems useless to re-submit when they do not know that. Mr. Ramirez told her it would not be necessary to re-submit. She said, "We don't know what your recommendation is." Mr. Ramirez told her that their five recommendations have been submitted, and he repeated the procedure and the criteria they use, and repeated the names of the five agencies they recommended. "And your recommendation for our agency," Mrs. Gizelbach said, "I wish you would pass on to us." "At this point in time I am not recommending funding for that agency," Mr. Ramirez said. "It's just simply you're not recommending funding," she stated. "That is correct," Mr. Ramirez answered. Mrs. Gizelbach told the Council she is still functioning in limbo. "Although I am told my proposal is still there," she said, "I can feel sure that I won't know the recommendations once again." "I think you will," said Mayor Pro Tem Himmelblau, "because I think a number of Council offices will be interested in seeing how these are 'pulled out of the hat' so to speak."

Motion

Councilmember Trevino moved that the Council approve negotiation of contracts with five non-profit agencies to operate CETA Title VI Public Service Projects, as recommended by the Manpower Training Division Planning Staff and Manpower Advisory Planning Council: Texas Society for Autistic Citizens, Austin Branch NAACP, Laguna Gloria Art Museum, Mary Lee Foundation, and League of United Chicano Artists. The motion was seconded by Councilmember Snell.

Councilmember Mullen said he was not ready to vote yet. He asked Mr. Ramirez who made the decision on the five agencies. Mr. Ramirez answered, "The staff did." Mr. Mullen asked, "Who is the staff?" "Me, and my staff of three people." Mr. Mullen said, "Basically it gets down to you making all of the decisions." "That's right," answered Mr. Ramirez, "I am responsible for all of the decisions of my department." Councilmember Mullen said he thought it is fine for one person to have the basic decision, except, more people need to have an awareness of how to get there, and I would like the Assistant City Manager to come back to us with an approach so we have more openness. Mr. Ramirez said that the alternative would be to have all review committee, which is made up of MAPC members, who rank all of the eligible agencies and the staff not make a recommendation. Mr. Ramirez said that is what they have been doing, but this time, time was running short and they were falling behind schedule in their employment quotas and getting people "on board." "So," he continued, "as they were recommending them, we were bringing them before the Council. We have said we have to pick and choose, the reason being we had a lot of agencies approved but no longer had the kind of money we started out with initially." Mr. Ramirez said he looked at distributing the money as much as possible because there have been inquiries by various groups as to who is getting the money, what kind of slots, who is being hired, what is the ethnic background, etc. He said they looked at the applicants as equitably as possible to try to distribute the money throughout the community. Councilmember Mullen stated, "As long as we have a fair and unbiased person like you in there everything is O.K., but my concern is that we may not always have you and I think we need a process that makes it clearer."

Motion Withdrawn

Councilmember Trevino withdrew his motion.

Motion

Councilmember Goodman moved that the Council adopt a resolution to approve the recommendation by the Manpower Training Division Planning staff and the Manpower Advisory Planning Council to leave funding intact, except \$36,883.00 recommended for the Mary Lee Foundation, which will be allocated to the Capital Area Rehabilitation Center; when funds are available in December, then Mary Lee Foundation will receive priority for consideration, and Capital Area Rehabilitation Center will also receive further consideration for funding because they may need to round out their proposed project.

Councilmember Mullen asked, "What basis do we have to change our recommendation..on what information?" "That's the only one I disagree with," answered Councilmember Goodman. Councilmember Mullen said, "It's really sad that one agency comes up and squeaks or squawks, and Mary Lee is not here so we are going to change them out." A voice from the audience said, "Mary Lee is here."

Councilmember Mullen said they should be listened to. Councilmember Trevino reminded Councilmember Mullen that a few minutes ago he had spoken to the fairness for review, and "here we have the prerogative to change because the Councilman has decided he would prefer to substitute Mary Lee with the Capital Area Rehab Center, and at least another Councilmember concurred." Councilmember Goodman said he agrees with the other four recommendations but disagrees with funding for the Mary Lee Foundation. Mayor Pro Tem Himmelblau said that in all fairness to the Mary Lee Foundation, the Council would let them speak.

MR. DON LILLJEDAHL, Director of the Mary Lee Foundation, stated he really did not have a lot to say except that he wished he had the notes of the lady that spoke earlier. "I'd like to read the same things she said that influenced the Council so, except these funds go to provide teacher's aides for a special group of children who are extremely difficult to work with in a public class room..in fact, cannot be worked with. We have the task of doing that. The public school system simply cannot provide the number of teachers that must be available for handicapped children, average age of whom is 15. They are emotionally disturbed and mentally retarded, delinquent, brain damaged, and many of them are extremely violent..simply not suitable for public class rooms. It is on this basis that this proposal is being made and I would like to suggest the Council reconsider its motion." Mayor Pro Tem Himmelblau asked if the children are institutionalized. Mr. Lilljedahl said that over 90% have been removed from their parents by the courts because of parental abuse and neglect, and they are residential students. He said the Mary Lee Foundation is not a part of the State School.

Councilmember Goodman said he had no objections to the Mary Lee Foundation project, but it's just a matter of having to make a decision between children with cerebral palsy who go to the Capital Area Rehab Center, and the children who are cared for by Mary Lee Foundation, but those are the choices we sometimes have to make when we face deadlines. "How much money are we going to have in December for these same types of projects?" asked Councilmember Goodman. Mr. Ramirez estimated there would be an additional \$400,000. Councilmember Goodman told Mr. Lilljedahl he would encourage him to apply in December for the funds he needs. Mr. Lilljedahl answered he thought he could live with that "if I understand your motion that it is approved." Councilmember Goodman answered, "It is no guarantee but it is a commitment of sorts to consider your project when these other funds become available." "By consideration," asked Mr. Lilljedahl, "would that motion be that it be approved in December?" Councilmember Mullen asked, "Of the two agencies, have either of them ever received funds like this before?" "Not Title VI funds," answered Mr. Ramirez, "I think Capital Rehab have used CETA employees in the past. I think Mary Lee has also, but it has not been Title VI Project money."

Roll Call on Motion

Ayes: Mayor Pro Tem Himmelblau, Councilmembers Mullen, Snell,
Trevino, Goodman

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

RAMBLE LANE

Mayor Pro Tem Himmelblau introduced the following ordinance:

AN ORDINANCE CHANGING THE NAME OF A STREET FROM CREEKCREST DRIVE TO RAMBLE LANE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor McClellan

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONING ORDINANCES

Mayor Pro Tem Himmelblau introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
LOT A, RESUBDIVISION OF LOT 37, WALNUT HILLS SUBDIVISION, SECTION 5, LOCALLY KNOWN AS 6500 MANOR ROAD AND 3304 NORTHEAST DRIVE, FROM "BB" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY. (Kennie & Mildred Sneed, C14-77-124)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance, effective immediately. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor McClellan

The Mayor Pro Tem announced that the ordinance had been finally passed.

Mayor Pro Tem Himmelblau introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:
A 6.359-ACRE TRACT OF LAND, LOCALLY KNOWN AS THE REAR OF 3859 DRY CREEK DRIVE, AND ALSO BOUNDED BY F. M. 2222 (BULL CREEK ROAD), FROM "A" RESIDENCE DISTRICT TO "BB" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE. (Adon Sitra, C14-77-114)

Councilmember Trevino moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Mullen, Snell, Trevino, Goodman,
Mayor Pro Tem Himmelblau

Noes: None

Absent: Councilmember Cooke, Mayor McClellan

The Mayor Pro Tem announced that the ordinance had been finally passed.

ZONING ORDINANCE ITEM PULLED

The Council had before it the following amendment to Chapter 45 of the Austin City Code of 1967 (Zoning Ordinance) to cover the following change:

RICHARD L. MATZ	123-129 Woodward Street	From "B" Residence
& ADON SITRA	3402-3414 Woodleigh	1st Height and Area
C14-77-112	Street	To "O" Office
		1st Height and Area

(Heard and granted September 29, 1977. Conditions have been met. 4-3 vote. Mayor McClellan, Mayor Pro Tem Himmelblau, Councilmember Mullen "No.")

Because of the 4-3 vote on September 29, 1977, Mayor Pro Tem Himmelblau suggested this item should be included in the December 1, 1977, agenda when the full Council will be present.

HOUSEBOAT REGULATIONS

The Council had before it an ordinance amending Chapter 29 of the Austin City Code providing procedures for the removal and impoundment of structurally unsound watercraft from City lakes; providing for regulations concerning marine sanitation and the lighting of houseboats; prohibiting the use of multiple air filled displacement flotation units; providing for the registration of houseboats; and prohibiting overnight operation on Town Lake.

Mr. Lonnie Davis, Director of Building Inspection, appeared before Council to answer questions which had been raised concerning houseboat regulations at the public hearing on November 3, 1977, which is being continued tonight. He stated that in conjunction with the lowering of the lake and the houseboat ordinance, the Navigation Board has been most generous with their time and help by meeting weekly in order to more properly hear the applications made before the Navigation Board for boat docks, bank alterations, etc.

Mr. Davis said that one of the questions raised on November 3 was the prohibition of portable toilets. They have discussed this with the Legal Department, and it is their opinion that they are not prohibited from being on board, it's just they may not be used to substitute for a holding facility. One of the questions posed during the previous public hearing, was the hazard connected to the act of a houseboat trying to get to a pump-out facility during

the weekend when there are so many boats on the lake. Mr. Davis said they did not come up with a very good answer to that other than hopefully the watercraft would be moved on some day other than the weekend. Another question raised was the operability of the pump-out stations. Mr. Davis pointed out that Mr. Curtis Johnson, Director of Water and Wastewater, is in the audience to answer questions, but that it is his opinion that pump-out stations are worked on and kept in operation, with instructions concerning the use of the device. It has been surmised by Mr. Johnson that the problems encountered are not with the device itself, but the way it is being used. The feasibility of a third pump-out station was also considered at the last public hearing. Mr. Davis said that Mr. Johnson has reviewed this and there just are no public lands between Watts Landing and City Park. Also, there are no sewer lines to tie one into. Concerning the fiscal note, Mr. Davis said their statement of November 3, 1977, for \$5,000 still stands. He said this is just an estimate but they feel they can remove the majority of the unfit houseboats for \$5,000.

MR. BUCKNER HIGHTOWER said he had appeared at the public hearing on November 3, and still wondered whether a portable pumping station would be feasible to use for houseboats. Mr. Davis said the Navigation Board had discussed this question. The Health Department does not feel that should be a permitted operation since there is quite a bit of spillage if the operation is not handled properly.

MR. EMIL SZAFIR, member of the Navigation Board, stated that there is nothing in the ordinance prohibiting this, it's just that facilities are not on the lake and the City Code does prohibit portable pumping stations at this time. The proposed Ordinance No. 77 would not prohibit a portable pump-out station. Mr. Hightower said he has a 38-foot houseboat which he finds difficult to get out into the lake and wondered if he was restricted against using the roto-rotoer type pump-out which are pumping some of the boats on Lake Austin now. Mr. Szafir said the main thing involved there is a leak-proof connection and he said he did not think roto-rotoer pump-out would meet the requirements of the Texas Water Quality Board, or the City Code on a leak-proof connection. Mr. Davis stated that Mr. Szafir is correct in saying this. Mr. Hightower said he thought the situation confusing and he is willing to make whatever investment he needs to make his boat safe. Councilmember Mullen suggested Mr. Hightower attend a Navigation Board meeting and discuss this with them. Mr. Hightower wondered if he could have a composting toilet, or a toilet that burns waste, on board. Mr. Szafir told him the present City Code prohibits both of those types of toilets, and that this is something that should be taken up with the Health Department.

Motion

Mayor Pro Tem Himmelblau introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 29 OF THE 1967 CODE OF THE CITY OF AUSTIN, AS AMENDED, PROVIDING FOR DEFINITIONS, PROVIDING FOR THE DESIGNATION AND REMOVAL OF WATERCRAFT OF UNSOUND CONDITION; PROVIDING FOR MARINE SANITATION DEVICES; PROVIDING FOR LIGHTING OF HOUSEBOATS; PROVIDING FOR THE INSPECTION OF PUMP-OUT ABILITIES; PROVIDING FOR THE PROHIBITION OF MULTIPLE AIR-FILL DISPLACEMENT UNITS, WITH EXCEPTIONS; PROVIDING FOR INSPECTION PROCEDURES; PROVIDING FOR INITIAL COMPLIANCE PERIOD; PROVIDING FOR THE PROHIBITION OF OVERNIGHT OPERATION OF WATER-CRAFT ON TOWN LAKE; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; PROVIDING A SEVERABILITY CLAUSE; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Mullen moved that the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance. The motion, seconded by Councilmember Goodman, carried by the following vote:

Ayes: Councilmembers Snell, Trevino, Goodman, Mayor Pro Tem
Himmelblau, Councilmember Mullen

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

The Mayor Pro Tem announced that the ordinance had been finally passed.

STREET JURISDICTION

The Council had before it Mayor Pro Tem Himmelblau's proposal to consider giving the University of Texas Police jurisdiction over City streets adjacent to the University of Texas campus in conjunction with University activities: From 29th Street to Martin Luther King, Jr., Boulevard, Guadalupe, San Jacinto and Red River Streets. Mayor Pro Tem Himmelblau indicated that the proposal was modeled after the City of Denton where North Texas State University Police currently have jurisdiction over streets adjacent to the University. City Attorney Jerry Harris indicated that he could bring back a report to the Council by the following week.

MS. BETTY PHILLIPS, representing Save University Neighborhoods (S.U.N.), indicated that her organization felt that the proposal was constructive. She stated that they were concerned about continuing to receive the quality law enforcement they have been getting the past few weeks. Ms. Phillips stated that U.T. Police could be deputized to work with the Austin Police Department when needed. She also recommended that during the next two weekends, Guadalupe Street be cordoned off between 21st Street and 24th Street. Police Chief Frank Dyson, however, did not feel that this would be a viable solution as it would serve to reroute traffic through adjacent neighborhoods. Councilmember Snell agreed with Chief Dyson. In conclusion, Ms. Phillips also recommended taxing sports events so as to fund police protection in the U. T. area.

Councilmember Goodman moved that the Council instruct the City Manager to come back to the Council with a report on the proposal. The motion, seconded by Councilmember Trevino, carried by the following vote:

Ayes: Councilmembers Trevino, Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

TASK FORCE

The Council had before it a proposal for a Task Force to review development requirements and procedures. The proposal was made by Councilmembers Mullen, Goodman and Cooke. Councilmember Goodman requested that no action be taken on the proposal that evening due to the fact that Mayor McClellan and Councilmember Cooke were absent from the meeting. He also stated that they were not ready to present a specific plan to the Council. Councilmember Goodman

stated that the proposal was designed to reduce the amount of red tape that developers, contractors and builders have to go through in dealing with the City.

Mayor Pro Tem Himmelblau indicated that Mayor McClellan had requested that the following be read into the Minutes:

"I am very interested in the agenda item placed on the November 17 agenda by Councilmembers Mullen, Goodman and Cooke, recommending the special Task Force. I feel that it is very timely to take a look at the procedures and requirements that we make of citizens engaged in the development of property within our corporate limits and within the extra-territorial jurisdiction. I'm especially concerned about how these requirements effect the cost of housing for lower income citizens. I would ask that the Councilmembers proposing this recommendation insure that the Task Force will concentrate on that particular question. Another point that I hope can be considered is that we should not be requiring the cost of red tape that is superfluous or does not have a purpose under the City Council's goals and objectives. However, the Council should be willing to retain any other requirements that protect our environment or insure the City's future fiscal integrity. Since I will not be present at the November 17 Council Meeting, I wanted all of you to be aware of my support."

Councilmember Goodman responded that one of the primary purposes of the proposal was to have a positive effect on low cost housing.

B. R. REYNOLDS

Mr. Joe Ternus, Director of the Urban Transportation Department, gave a status report on the B. R. Reynolds operational report. He stated that the evaluation of the special lane along B. R. Reynolds has been completed. Mr. Ternus indicated that the special lane has kept vehicles from backing into West First Street. Transit operations on the street have improved and traffic congestion in the area has been reduced. Mr. Ternus recommended that taxicabs be eliminated from the special lane and that the size of carpools be reduced. Mayor Pro Tem Himmelblau indicated that she wanted to see the situation monitored for another 30 days before voting on anything. Mr. Ternus suggested postponing any changes until after the first of the year.

BIKEWAY AND INTERSECTION IMPROVEMENTS PROGRAM

Mr. Ternus indicated that when the Council approved the Capital Improvements Program, there were two projects that were not specifically identified as to how funds should be implemented. The first one is the Bikeway Improvements Project. Mr. Ternus recommended that these funds be used to provide a facility along the extension of Far West Boulevard from MoPac Boulevard east across Great Northern Boulevard to Shoal Creek. The second project is an Intersection Improvements Project. Mr. Ternus stated that they have identified a list of seven projects by priority and that several of these have already been submitted to the Council for review. Mr. Ternus recommended this priority system whereby available funds can be used to implement the improvements. Mr. Homer

Reed, Deputy City Manager, stated that the next step would be to proceed with some sort of design on some of the projects. Mr. Reed indicated that the projects could be brought back to the Council at a later time for final approval.

SOUTHEAST DISTRICT PARK

Mr. Jack W. Robinson, Director of the Parks and Recreation Department, referenced the following letter dated October 25, 1977, regarding the Southeast District Park:

"The Parks and Recreation Department is requesting that the City Council adopt the consultant's recommendations for the development of the Southeast District Park, as outlined under option A of the report "Southeast District Park Site Grading and Drainage Improvements."

For your information, during the review process for the 1977-82 Capital Improvements Program, the Planning Commission requested that the Parks and Recreation Department brief the Commission on the recommended development of the Southeast District Park. This briefing was in light of the Southeast District Park Site Grading and Drainage Improvements Report that recommends spending approximately \$400,000 for site work improvements prior to any facility development. This has become necessary as a result of a land fill operation on the site and the resulting settlement of land and leaching of water through the site.

Because the corrective measures will remove approximately fourteen (14) acres of existing marsh area from the fifty (50) acre park site, some concern has been expressed over the removal of a "natural area." The alternative suggested was to purchase additional level land adjacent to the park to replace the area recommended for corrective measures. The Parks and Recreation Department has contacted the adjacent land owner and based upon the real estate price for the land in this area approximately \$610,000 is needed to purchase an additional usable fourteen (14) acres. In addition, should the City choose to acquire additional acreage, some minor corrections would still be necessary in the marsh area to protect the public for safety reasons and improve the flow of the existing creek and pond for a total of approximately \$120,000.

Therefore, it is the recommendation of the Parks and Recreation Department that the plan as outlined in alternate A of the report be undertaken as soon as appropriate funding within the Capital Improvements Program becomes available. The staff of the department strongly feels that the plan as recommended is in keeping with the overall development of a district park facility for which Southeast District Park was acquired. We further feel that the plan creates a balance between development and open space with over 30% of the site being retained in its existing condition including some marsh area.

In preparing the study, the consultant solicited input from the various City, County and State departments and agencies that could in any way have interest or vital input into the planning process. At the suggestion of the Environmental Resource Management Department, the consultant additionally reviewed the study and incorporated input from local environmental groups and persons including

the Audubon Society. They had, as groups indicated their basic approval with the approach and recommendations.

As a result of this input and the concerns for safety and recreational use the consultant tried to preserve, protect and develop the park in a manner that would create a balance between the desires of the environmentalists and the active recreationists. The result was the preservation of approximately thirty percent (30%) of the site in a natural state with no disturbance to existing areas, development limited to the non-land fill areas and the correction of the leaching problem as well as elimination of the hazards created from settlement. It should be remembered that the natural area is not native and is only the result of a man-made land fill operation. The existing pond on the site is the result of a gravel operation on the site previous to the land fill.

The Parks and Recreation Department has worked closely with the South Austin Neighborhoods East on this project and the overall development of the park. These people, who are to be served by this park, have actively expressed their support for immediate development and use of this site. They have supported the 1976-81 Capital Improvements Program as was approved and the 1977-82 Capital Improvements Program as recently adopted. Their desire is that the Parks and Recreation Department proceed with immediate construction of facilities and would prefer to not delay the development of the park, should land acquisition and replanning require additional time.

Funding is currently available for the initial development of this park with \$293,000 available from fiscal year 75-76 and 76-77. To date, only the consultants report has been encumbered from these funds. In addition, funds are available in this fiscal year, 77-78, for the design of an Olympic size swimming pool. The Parks and Recreation Department would like to begin immediately on the design and construction of those facilities as outlined in the current and past Capital Improvements Programs, based upon the recommendation of the consulting firm of Parks and Recreation Planning Associates, Inc.

The department, in working closely with the project, feels the consultant has performed a very commendable task in the design process and solution to this park. He has addressed the needs of the active recreationists that the park is expected to serve, while preserving in the existing state a large portion of the site, and at the same time cleared up and corrected many undesirable problems.

This project has been reviewed by the Parks and Recreation Board which recommended that the Department proceed with the development of the site based upon the consultants report.

At the October 11, 1977, meeting of the Planning Commission, the Parks and Recreation Department presented the information as herein described to the Commission, with the Parks and Recreation Department's recommendations. The Commission accepted the report without acting upon it. A copy of the Parks and Recreation Department's recommendation was also provided to the Department of Environmental Resource Management."

MR. JOSE GILL, Engineer (P.E.) representing the consulting firm of Parks and Recreation Planning Associates, Inc., made a visual presentation before the Council and discussed the aspects of the park, indicating the areas of activities and nature studies. Mr. Robinson then showed slides of the park and subject areas.

MR. GEORGE KING, representing the Southeast Neighborhood Association, indicated that he wholeheartedly approved the development of the park.

MR. T. R. MCGINNIS appeared before the Council expressing agreement with Mr. George King's statement.

MR. COLEMAN GLASS, employee with the Veterans Administration Processing Center, appeared to say that the Bicentennial is not dead. Mr. Glass indicated that the employees of the Processing Center had raised \$7,500, as their Bicentennial project and want the money used for the baseball diamond in the Southeast District Park. He urged the Council to continue development of the park.

MS. LYNNETTE LEWIS, President of the South Austin Neighborhood East, told the Council that they are in favor of the park development. She understands that the Audubon Society is concerned with saving the marsh area. In her opinion, if there are problems because of the Audubon Society's concern with the marsh area, then the City should go ahead with development of the other areas in the park and make a decision about the marsh land later.

MS. MARY LEE, a member of the Travis Audubon Society, told the Council that her organization is in favor of the Park and does not want to hold up the development. She stated that their concern is for the preservation of the marsh area. A baseball and soccer field is planned for the marsh area where woodcocks and owls nest. She stated that the Audubon Society is asking for a certified appraisal of the land adjacent to the proposed park to determine whether \$400,000 would be enough to buy the adjacent land rather than draining and filling the marsh. Ms. Lee stated that the Audubon Society supports the park but asks for a delay in the development of the marsh area until they receive more information. Councilmember Goodman asked about the feasibility of using \$400,000 for park land acquisition. Mr. Robinson answered that they have looked into the situation and they will buy adjacent land if they can but it is necessary to have facilities next to the recreation center in the park (facilities: swimming pools, tennis courts, etc.). Mr. Robinson pointed out that 47% of the land will be preserved in its natural state. He felt that the proposed plan will make good use of the marsh area and indicated that the cost of the adjacent 14 acres would be \$622,000. Councilmember Goodman asked Mr. Robinson what he is requesting from the Council. Mr. Robinson replied that they are requesting that the Council approve the site and drainage plan and begin operation of the development of the area. He stated that there are funds for the parking area at the top, a swimming pool and a playground area. He indicated that there are no funds for the basic grading until the next C.I.P. He stated that they will not be getting into that for another year with another bond program. Mr. Robinson indicated that they feel there is a need for an agreement on this type of development or else look at the development in some other manner. He does not feel that they can put this type of a plan in an area where they cannot have the athletic fields also to make it a complete and rounded program.

MS. JOYCE KLEIN, a member of the Environmental Board, stated that she is concerned about the continued maintenance of the park because of the land fill which will be required. She asked the Council to approve the upper area with all facilities and to hold off on the approval by holding a public hearing or giving parties a chance to have an independent appraisal. Mayor Pro Tem

Himmelblau asked if they were retaining enough of the marsh area. Ms. Klein indicated that the ultimate plan was to drain the area with a pipe. She stated that when the area is drained, the ecosystem will be lost.

MS. JEAN MATHER, President of the South River City Citizens, appeared to ask the Council why they are not included in the planning of the park. She stated that her group wants a preservation of as much of the marsh area as possible. She urged that they proceed with the upper areas of the proposed park.

MR. CHRIS KAREN, a consulting geologist, said that the area in question serves as an island of green space in the urban development of the City. He thinks that a buffer should be provided around the marsh area. Mr. Karen was concerned with unsanitary leakage and wants the site converted into a stable area free of any leakage problems.

ORVILLE NEWELL, representing South Austin Neighborhood East, said that South Austin needs the 50-acre park. He stated that the area is blessed by a natural lagoon that covers an acre or two, begging to be dredged and cleaned, so that its beauty can be enjoyed. He pointed out that much of the land is an old dump full of decomposed organic material making it the richest soil in Austin. He thinks that the rolling slopes and topography of the land makes it an ideal park site. Mr. Newell concluded his statements by telling the Council: "We want a swimming pool, we want a park." He thanked the Council for their ears.

Motion

Councilmember Goodman moved that the Council proceed with plans for the Southeast District Park except for the marsh area, set a public hearing for December 15, 1977, at 6:00 p.m., and authorize the staff to institute selection of an architect. The motion was seconded by Councilmember Trevino.

After some discussion among the Councilmembers concerning the procedure for development, the advisability of a public hearing and comments by Mr. Robinson concerning the alternatives they have looked at, a vote was taken on the motion.

Ayes: Councilmember Goodman, Mayor Pro Tem Himmelblau,
Councilmembers Mullen, Snell, Trevino

Noes: None

Absent: Mayor McClellan, Councilmember Cooke

CITY MANAGER REPORTS

Deputy City Manager Homer Reed told the Council that they had received reports from the City Manager on (1) Paving/Recycling Project; (2) Boggy Creek Maintenance Project; (3) Equipment Leased for Boggy Creek Project. He asked if they had any questions or comments. There were none.

ADJOURNMENT

The City Council adjourned its meeting at 10:35 p.m.

APPROVED



Mayor

ATTEST:



City Clerk